

s: sms/salancy/brief in support of motion to strike/11-8-18

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL FLOOD, JR. and ALECIA : Civil Action No.: 2:18-cv-1310  
FLOOD, individually and as Parents and :  
Natural Guardians of T.F., a minor, :

Plaintiffs

vs.

GEORGE VILLEGAS, JR. and PAM :  
VILLEGAS, individually and as Parents :  
and Natural Guardians of MEGAN :  
VILLEGAS; DAVID and CHRISTY :  
SHERK, individually and as Parents and :  
Natural Guardians of K.S., a minor; DAVID :  
and CHRISTINE SEAMAN, individually :  
and as Parents and Natural Guardians of :  
C.S., a minor; CRIS and KIMBERLY :  
SALANCY, individually and as Parents :  
and Natural Guardians of E.S., a minor; :  
DAVID and LYNN REINA, individually :  
and as Parents and Natural Guardians of :  
H.R., a minor; SENECA VALLEY :  
SCHOOL DISTRICT; BUTLER COUNTY :  
DISTRICT ATTORNEY'S OFFICE; and :  
BUTLER COUNTY, PENNSYLVANIA, :

Defendants.

**BRIEF OF DEFENDANTS CRIS AND KIMBERLY SALANCY AND THEIR  
DAUGHTER, E.S., IN SUPPORT OF MOTION TO STRIKE SCANDALOUS AND  
IMPERTINENT MATTER PURSUANT TO FED.R.CIV.P. 12(f)**

**I. BACKGROUND**

The Complaint in the above-captioned matter was filed on October 1, 2018 and  
Waivers of the Service of Summons were mailed to the defendants on October 5, 2018.

The Complaint contains ten Counts asserted against five teenage girls or their ten parents and two Counts asserted against the Seneca Valley School District, the Butler County District Attorney's Office, and/or Butler County.

Factually, the Complaint describes two instances in which plaintiff T.F. was accused of committing a sexual assault. The first incident occurred at the Zelienople Community Pool in July of 2017 and resulted in T.F. being fired from his job at the Pool and defendant K.S. reporting the alleged sexual assault to a Seneca Valley School District Guidance Counselor in October of 2017. (Complaint ¶¶ 17-19) The second incident occurred at the home of defendants David and Christine Seaman and their daughter C.S. on March 23, 2018, and resulted in the alleged offense being reported to a Seneca Valley School District Guidance Counselor on March 26, 2018. (Complaint, ¶¶ 22 and 23) As a consequence of each of these reports, charges were brought against T.F. by the Butler County District Attorney's Office. (¶¶ 20-21 and 24)

Plaintiff T.F. and his parents Michael and Alecia Flood claim that these reports of T.F. committing sexual assaults were false and that the alleged victims, K.S. and C.S. (who are not related and simply have last names beginning with the same letter), lied about T.F.'s conduct, as did also witnesses E.S. (also unrelated) and H.R. who were present at the Seaman residence on March 23, 2018. (Complaint, ¶¶ 17-19, 23, and 27-30) Finally, significant damages are claimed to have occurred as a result of these allegedly false accusations. (¶¶ 25 and 36-42)

The instant Motion to Strike arises from plaintiffs' "definition" of the five teenage defendants as the "mean girls", a term which plaintiffs introduce in the first sentence of

the first Paragraph of the Complaint and continue to use throughout the Complaint to refer to these teenage defendants.<sup>1</sup> (*See, e.g.*, ¶¶ 1, 27, 34 and 35)

## II. ARGUMENT

Rule 12(f) of the Federal Rules of Civil Procedure permits a Court, either on its own or on a motion made by a party before responding to the pleading, to “strike from a pleading ... any ... immaterial, impertinent or scandalous matter.” Scandalous matter is that which “improperly casts a derogatory light on someone, most typically a party to the action,” or “reflects cruelly on the defendant’s moral character,” or “detracts from the dignity of the court.” *Yates v. Allegheny Maternal Fetal Medicine*, 2008 WL 4878064 at \*3 (W.D. Pa. 2008). And, “immaterial” matter is that which has no essential or important relationship to the claim for relief, “and consists of statements that do not pertain, and are not necessary, to the issues in question.” *Id.* (Impertinent, of course, is commonly understood to mean rude, disrespectful, ill-mannered or lacking in civility.)

Calling the minor defendants in this case the “mean girls” meets all of these criteria. It is no more than immature name calling which adds no material facts and does not advance the issues in this case. It serves no purpose in these proceedings; is but an attempt to demean and bully the young girls who made reports of sexual abuse;<sup>2</sup> and

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<sup>1</sup> *Mean Girls* is a popular teen movie about 4 insecure and shallow high school girls who will do virtually anything to achieve “popularity”, which they erroneously believe will bring them happiness and success.

<sup>2</sup> This unnecessary and derogatory phrase has already accomplished its obviously intended goal -- it has been picked up by the media, including the Butler Eagle and the Tribune Review, which referred to the five juveniles by that insulting moniker.

certainly detracts from the dignity of this Court. Further, it is gratuitously insulting, unprofessional, ill-mannered, uncivil, disrespectful and rude.

### III. CONCLUSION

For these reasons, all references to the young female defendants in this case as the “mean girls” should be stricken from the Complaint.

Respectfully Submitted,

CIPRIANI & WERNER, P.C.

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**CERTIFICATE OF SERVICE**

Service was made upon the following persons who are parties to this action, but are not represented by counsel, by mailing a copy of the foregoing Brief and accompanying Motion to them by First Class U.S. Mail, postage pre-paid, on December 3, 2018:

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